To: "Winchester, Cody" <<u>cwinchester@argusleader.com</u>>, Date: 11/03/2011 11:13 AM

Subject: Re: Watch List

The October list is not yet available. But, the September list is posted at

http://www.epa-echo.gov/echo/echo watch list.html

Jason Swift U.S. EPA Office of Enforcement and Compliance Assurance Integration, Targeting and Access Branch 202-564-6692

"Winchester, Cody" ---11/03/2011 10:33:42 AM---Jason, Heard that EPA was beginning to post the Watch List on ECHO. Saw the fact sheet, but where ar

From: "Winchester, Cody" < cwinchester@argusleader.com>
To: Jason Swift/DC/USEPA/US@EPA

Date: 11/03/2011 10:33 AM Subject: Watch List

Jason,

Heard that EPA was beginning to post the Watch List on ECHO. Saw the fact sheet, but where are the Sept and Oct lists?

Thanks, Cody Winchester Sioux Falls Argus Leader cwincheste@argusleader.com 605-331-2320

To: mhaebler@bdlaw.com,

Cc: Michael Barrette/DC/USEPA/US@EPA, Edward Cottrill/DC/USEPA/US@EPA

Date: 11/07/2011 04:23 PM

Subject: Response to Freedom of Information Act Request Re: July 2011 Watch List

This is in response to your Freedom of Information Act (FOIA) request dated October 14, 2011 for information pertaining to the July 2011 Clean Air Act Watch List. The Watch List is automatically created each month. The list of facilities on the Watch List has been posted beginning with September 2011 to the publically available Enforcement and Compliance History Online (ECHO) website (www.epa-echo.gov/echo). ECHO provides compliance inspection and enforcement information about facilities regulated under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act. EPA makes this data available to the public, free of charge.

The direct link to the Watch List page on ECHO is www.epa-echo.gov/echo/echo_watch_list.html. We will be posting the October 2011 Watch List very shortly.

We will also respond to your request in writing.

To: jwarren@petrobras-usa.com,

Cc: Michael Barrette/DC/USEPA/US@EPA, Edward Cottrill/DC/USEPA/US@EPA

Date: 11/07/2011 04:30 PM

Subject: Response to Freedom of Information Action request Re: Pasadena Refining System, Inc.

This is in response to your Freedom of Information Act (FOIA) request dated October 31, 2011 for information pertaining to the inclusion of Pasadena Refining System, Inc. on the July 2011 Clean Air Act Watch List. The list of facilities on the Watch List has been posted beginning with September 2011 to the publically available Enforcement and Compliance History Online (ECHO) website (www.epa-echo.gov/echo). ECHO provides compliance inspection and enforcement information about facilities regulated under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act. EPA makes this data available to the public, free of charge. You can find the underlying HPV and violation data on ECHO when you use the Air Data Facility Search capabilities on ECHO.

The direct link to the Watch List page on ECHO is www.epa-echo.gov/echo/echo_watch_list.html. We will be posting the October 2011 Watch List very shortly.

We will also respond to your request in writing.

To: rheflin@ncra.coop,

Cc: Michael Barrette/DC/USEPA/US@EPA, Edward Cottrill/DC/USEPA/US@EPA

Date: 11/07/2011 04:32 PM

Subject: Response to Freedom of Information Act request Re: HPV Watch List

This is in response to your Freedom of Information Act (FOIA) request dated October 18, 2011 for information pertaining to the Clean Air Act Watch List. The list of facilities on the Watch List is updated monthly and has been posted beginning with September 2011 to the publically available Enforcement and Compliance History Online (ECHO) website (www.epa-echo.gov/echo). ECHO provides compliance inspection and enforcement information about facilities regulated under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act. EPA makes this data available to the public, free of charge.

The direct link to the Watch List page on ECHO is www.epa-echo.gov/echo/echo_watch_list.html. We will be posting the October 2011 Watch List very shortly.

We will also respond to your request in writing.

From: Jason Swift/DC/USEPA/US
To: jan.williamson@bakerbotts.com.

Cc: Michael Barrette/DC/USEPA/US@EPA, Edward Cottrill/DC/USEPA/US@EPA

Date: 11/07/2011 04:34 PM

Subject: Response to Freedom of Information Act request Re: EPA Watch List

This is in response to your Freedom of Information Act (FOIA) request dated October 17, 2011 for information pertaining to the Clean Air Act Watch List. The list of facilities on the Watch List is updated monthly and has been posted beginning with September 2011 to the publically available Enforcement and Compliance History Online (ECHO) website (www.epa-echo.gov/echo). ECHO provides compliance inspection and enforcement information about facilities regulated under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act. EPA makes this data available to the public, free of charge.

The direct link to the Watch List page on ECHO is www.epa-echo.gov/echo/echo_watch_list.html. We will be posting the October 2011 Watch List very shortly.

We will also respond to your request in writing.

From: "Karl S. Bourdeau" < KBourdeau@bdlaw.com>

To: Jason Swift/DC/USEPA/US@EPA

Date: 11/07/2011 06:28 PM

Subject: RE: Response to Freedom of Information Act Request Re: Current Watch List

Jason -

Thank you for your response. Please note that despite the first sentence of your response below , my request was not limited to records regarding the Watch List as it pertains solely to alleged Clean Air Act violations, but to the entire Watch List, regardless of the statute. Could you please provide me an approximate date by which I can expect a written response to the request in full? Thank you.

Karl S. Bourdeau
Beveridge & Diamond, PC
1350 I Street, NW ~ Suite 700
Washington, DC 20005
T (202)789-6019 ~ F (202)789-6190
kbourdeau@bdlaw.com

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Please consider the environment before printing this e-mail.

----Original Message----

From: Swift.Jason@epamail.epa.gov [mailto:Swift.Jason@epamail.epa.gov]

Sent: Monday, November 07, 2011 4:20 PM

To: Karl S. Bourdeau

Subject: Response to Freedom of Information Act Request Re: Current

Watch List

This is in response to your Freedom of Information Act (FOIA) request dated October 25, 2011 for information pertaining to the Clean Air Act Watch List. The Watch List is automatically created each month. The list of facilities on the Watch List has been posted beginning with September 2011 to the publically available Enforcement and Compliance

History Online (ECHO) website (www.epa-echo.gov/echo). ECHO provides compliance inspection and enforcement information about facilities regulated under the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act. EPA makes this data available to the public, free of charge.

The direct link to the Watch List page on ECHO is www.epa-echo.gov/echo/echo watch list.html. We will be posting the October 2011 Watch List very shortly.

We will also respond to your request in writing.

From: <amber.maciver@bakerbotts.com>
To: Andrew Schulman/DC/USEPA/US@EPA

Date: 11/21/2011 03:48 PM Subject: RE: Watch List

Dear Andrew,

Do you have any updates on when the Watch List data will be added to ECHO? Is it still targeted for this year?

Best regards,

Amber MacIver

From: MacIver, Amber

Sent: Tuesday, October 18, 2011 10:26 AM

To: 'Andrew Schulman' **Subject:** Watch List

Dear Andrew,

Thank you for your help this morning. I would appreciate any additional information on how the watch list is complied, what are the implications for being on the list, and information on who has access to this list.

You mentioned that Jason Swift may have additional information. I would greatly appreciate if you would forward him my contact information and ask him to call me this morning.

Best regards,

Amber

Amber MacIver 512.322.2597 - Direct 512.879.8904- Cell 512.322.8373- Fax

amber.maciver@bakerbotts.com

Baker Botts L.L.P. 98 San Jacinto Blvd. Suite 1500 Austin, Texas 78701

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From: "Akins, Barry Scott" < bsakins@tva.gov >

To: Mike Donehoo/R4/USEPA/US@EPA,

Cc: "Anderson, Cynthia M" < cmanderson@tva.gov >, Jason Swift/DC/USEPA/US@EPA

Date: 11/28/2011 12:20 PM

Subject: RE: Fw: EPA watch list questions to be answered.

Thank you. How often does TDEC enter the information and is there a way to track that the DMR is being inputted on time before it reaches your office?

----Original Message----

From: Donehoo.Mike@epamail.epa.gov [mailto:Donehoo.Mike@epamail.epa.gov]

Sent: Monday, November 28, 2011 12:11 PM

To: Akins, Barry Scott

Cc: Anderson, Cynthia M; Swift.Jason@epamail.epa.gov

Subject: RE: Fw: EPA watch list questions to be answered.

Hi Barry,

My best advice would be to go to ECHO each quarter and examine the violation status for the most recent quarter. If you see a status code of D, contact TDEC and ask them to look into the matter.

Thanks, Mike

Mike Donehoo
PCS & ICIS-NPDES Manager
US EPA Region 4
404-562-9745 Voice
404-562-9772 Fax
donehoo.mike@epa.gov

From: "Akins, Barry Scott" <bsakins@tva.gov>

To: Mike Donehoo/R4/USEPA/US@EPA

Cc: "Anderson, Cynthia M" <cmanderson@tva.gov>

Date: 11/28/2011 11:57 AM

Subject: RE: Fw: EPA watch list questions to be answered.

Thank you for this information. I will pass this along to the people who need the information. For future reference, is there any way we are able to track the information and make sure it is being loaded into the system to keep our facility off the list?

----Original Message----

 $\label{prom:decomposition} \begin{tabular}{ll} From: & $\underline{$Donehoo.Mike@epamail.epa.gov}$ & [\underline{mailto:Donehoo.Mike@epamail.epa.gov}]$ \\ \end{tabular}$

Sent: Monday, November 28, 2011 11:52 AM

To: Akins, Barry Scott

Cc: Swift.Jason@epamail.epa.gov; Guzman.Humberto@epamail.epa.gov

Subject: Re: Fw: EPA watch list questions to be answered.

Dear Mr. Akins:

I am Region 4's manager for the clean water data systems that feed into the Watch List. Jason copied your email thread to me and asked me to research the situation. What I found is that the data that was flagged as missing and caused your facilities to appear on the Watch List is now in the system, so I have entered overrides for the flags that the system raised. This will drop your facilities from future Watch Lists. For this list, we will mark these as data errors in our official Regional response to the Watch List. If you have any further questions, please feel free to contact me directly through any of the routes below.

Sincerely, Mike Donehoo

Mike Donehoo
PCS & ICIS-NPDES Manager
US EPA Region 4
404-562-9745 Voice
404-562-9772 Fax
donehoo.mike@epa.gov

---- Forwarded by Jason Swift/DC/USEPA/US on 11/28/2011 10:08 AM ----

From: "Akins, Barry Scott" <bsakins@tva.gov>

To: Jason Swift/DC/USEPA/US@EPA

Date: 11/23/2011 10:24 AM

Subject: RE: EPA watch list questions to be answered.

I do understand that this is a short week, but is there a way we can plan a conference call for Thursday December 1 in the afternoon at 2 pm, to go over the watch list. We would like to get some answers to some questions we have as far as your group providing reason for having TVA being on the watch list.

----Original Message----

From: Swift.Jason@epamail.epa.gov [mailto:Swift.Jason@epamail.epa.gov]

Sent: Monday, November 21, 2011 2:11 PM

To: Akins, Barry Scott

Cc: Matt Malachowski; echo; Barnett.Phillip@epamail.epa.gov

Subject: FW: EPA watch list questions to be answered.

Hi Mr. Akins,

I just wanted to send this quick note to you. I would like to discuss the matter with my colleagues in the R4 EPA office. Based on data that I have, the two TVA facilities are on the Watch List for DMR Nonreceipt. You can find the SNC related violations on our ECHO web site (www.epa-echo.gov/echo). Go to the CWA Data Facility Search, select Search ICIS-NPDES, and enter the NPDES IDs (TN0005428 and TN0020168).

Please keep in mind that the Watch List is intended to be used as a tool to ensure expedited resolution of violations that are either significant under the CWA and RCRA programs or high priority under the CAA program; and that the relevant data is reported accurately, completely and timely to EPA. If a facility is on the Watch List because a state agency or EPA is not entering data accurately or timely, we need to discuss that with the implementing agency. Certain matters discussed about a Watch List facility are enforcement sensitive and we can not discuss them with you.

I have cc'd my R4 colleague, Phil Barnett. Its a short week and we are launching a new web site. But, I will give Phil a call to discuss the matter. After, which I will set up a call to discuss the matter with you.

Thanks for your interest in the Watch List.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692

Hello Jason-

We received this message from an intern at the Tennessee Valley Authority. In a previous email to Barry, we directed him to the PDF located here:

http://www.epa-echo.gov/echo/docs/watch list fact sheet.pdf

However, it appears his questions are more specific. How would you like us to respond?

Jesse Smith | Abt Associates

Environment & Resource Division

617-520-2356 | www.abtassociates.com

From: Akins, Barry Scott [$\underline{mailto:bsakins@tva.gov}$]

Sent: Monday, November 21, 2011 9:37 AM

To: echo

Subject: EPA watch list questions to be answered.

Jesse,

What I am looking for is why is TVA on the list. TDEC has not entered the DMR data into the EPA database. Can you explain to me how this process takes place. If at all possible can we set up a conference call either today this afternoon or on Wednesday at some point? I think this would maybe help us get the answers we are looking for. Please call me to let me know if that will work for you.

Thanks

Barry Akins

Intern

(423)751-6205

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From: Michael Ravnitzky <<u>mikerav@verizon.net</u>>
To: Jason Swift/DC/USEPA/US@EPA,

Date: 11/30/2011 11:28 AM

Subject: Re: Response to Freedom of Informatin Act Request (HQ-FOI-00291-12) - Clean Air Act Watch List

Mr. Swift:

What you have provided is more than sufficient to satisfy my November 17th records request. You can close out that request.

Michael Ravnitzky

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> Mr. Ravnitzky,
> This is in response to your Freedom of Information Act (FOIA) request
> dated November 17, 2011, for information pertaining to the Clean Air Act
> Watch List. The list of facilities on the Watch List is updated monthly
> and has been posted beginning with September 2011 to the publically
> available Enforcement and Compliance History Online (ECHO) website (
> www.epa-echo.gov/echo). ECHO provides compliance inspection and
> enforcement information about facilities regulated under the Clean Air
> Act, Clean Water Act, Resource Conservation and Recovery Act, and Safe
> Drinking Water Act. EPA makes this data available to the public, free
> of charge.
> The direct link to the Watch List page on ECHO is
> www.epa-echo.gov/echo/echo watch list.html. We will be posting the
> November 2011 Watch List later today. Please let me know if this
> response meets your needs.
> Jason Swift
> U.S. EPA
> Office of Enforcement and Compliance Assurance
> Integration, Targeting and Access Branch
> 202-564-6692
```

From: Erich Hiner < erich.hiner@globalwaterintel.com >

To: Jason Swift/DC/USEPA/US@EPA,

Date: 12/20/2011 05:20 PM

Subject: Re: Response to Freedom of Information Act Request for the EPA's Clean Water Act Watch List

Thank you for the response, but I am very confused. I asked for raw data in an electronic format (as a .txt file or Excel spreadsheet). How does this translate to any cost whatsoever for the agency? The EPA has been keeping this list electronically since 2004 - we asked for it in the form it's kept, meaning you should be able to forward us exported data. Is there more to this that I do not understand?

I also did not ask for (and do not want) printed copies of the information. If this request is going to cost \$672, please provide me with a cost breakdown in an itemized list so we can see exactly what work will be required. This is an electronic request for information the agency already keeps. We will accept and analyze raw data. If the information is available in a raw, commadelimited form, that is what we prefer. As a matter of fact, I believe that is what I specifically asked for in my request. We do not want PDFs like the files that are displayed on the website, and thus are not asking for a neat, formatted list. This request should not burden your employees. If it will (for whatever reason), please tell us so we can work with the EPA to minimize burden on the agency.

We are also well aware of the Watch List segments that are available online. We would like to receive other portions of the list so we can provide our readers (many of whom include members of government agencies that represent the public) with a historical perspective on the list as an enforcement tool.

If the request still ends up costing more than a small amount, we will be happy to amend our request to ask for fewer months of the list.

I am also confused by the agency's repeated claim that this information is available on ECHO. It is not. I cannot query the enforcement and compliance database and see if certain facilities are or have been on the Watch List. If there search parameters that can used to single out the facilities on the Watch List, we would be happy to collect the information ourselves. However, our analysis of the publicly available months has yielded almost no patterns in the data, and the agency public information office has not been open with us about the exact parameters for a facility's placement on this list. If such parameters exist and will produce a comprehensive listing of Watch List entries, please let us know and we will pursue that strategy.

Please respond and address my concern

Respectfully,

--

Erich Hiner

Senior Reporter American Water Intelligence 512-795-4199 erich.hiner@globalwaterintel.com www.americanwaterintel.com

"Water Rights & Trading Summit: Southwest takes place on **February 2nd and 3rd** in Scottsdale, Arizona. Visit <u>www.waterrightstrading.us</u> for more information."

To: Erich Hiner < erich.hiner@globalwaterintel.com >,

Date: 01/04/2012 10:13 AM

Subject: Re: Response to Freedom of Information Act Request for the EPA's Clean Water Act Watch List

Good Morning Mr. Hiner,

I am working on the response to your request. I hope to get that to you today. But, I was reviewing your original request and I notice that you intend to "use the data to determine a listee's statistical probability of being issued a violation by the EPA." I am not sure the Watch List is appropriate for this type of analysis. Because the Watch List is a management tool to ensure implementation of enforcement response policies, including a review of data quality. We do find that some facilities are added to the Watch List because of a data error or lag in the data being entered in the national database of record. For CWA compliance and enforcement these databases are the Permit Compliance System (PCS) or the modernized Integrated Compliance Information System - National Pollutant Discharge Elimination System (ICIS-NPDES).

I am wondering if an ECHO (http://www.epa-echo.gov/echo/) search would be better suited. Using the CWA Facility Search function (http://www.epa-echo.gov/echo/compliance_report_water.html), you can retrieve a list of facilities regulated by the CWA where significant non-compliance was identified by either the EPA or state; category I or II violations were alleged; effluent exceedances were reported; or where single event violations, compliance schedule violations, or permit schedule violations were alleged. You can also download a complete data set from both PCS and ICIS-NPDES at http://www.epa-echo.gov/echo/idea_download.html. These larger data sets may be better suited to a statistical analysis.

I just wanted to bring these options to your attention.

Jason Swift U.S. EPA Office of Enforcement and Compliance Assurance Integration, Targeting and Access Branch 202-564-6692

Erich Hiner ---12/21/2011 02:48:36 PM---Let's do the lists from 2009, 2010 and 2011 at the price of \$224. We would prefer to have them soone

From: Erich Hiner < erich.hiner@globalwaterintel.com >

To: Jason Swift/DC/USEPA/US@EPA

Date: 12/21/2011 02:48 PM

Subject: Re: Response to Freedom of Information Act Request for the EPA's Clean Water Act Watch List

Let's do the lists from 2009, 2010 and 2011 at the price of \$224. We would prefer to have them sooner than Jan. 16 as we filed the original request on Dec. 5. Waiting that long would also give us much less time to analyze the data for our February issue.

Do we need to pay the EPA ahead of time, or do we pay the fee when the information is released?

On Wed, Dec 21, 2011 at 1:30 PM, Jason Swift < Swift.Jason@epamail.epa.gov> wrote: Mr. Hiner,

Today is my last day in the office until January 3. I was wondering if you decided how you would like for me to proceed to respond to your request. If an extension until January 16 is possible, please let me know.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692

From: Erich Hiner < erich.hiner@globalwaterintel.com>

To: Jason Swift/DC/USEPA/US@EPA

Date: 12/20/2011 06:01 PM

Subject: Re: Response to Freedom of Information Act Request for the

EPA's Clean Water Act Watch List

What would the projected cost be for the lists as discussed just for 2009, 2010 and January through August 2011? And what would the total be for just 2010 and the first 8 months of 2011? We're trying to parse down the amount so we can still do a decent analysis of the data. Can you send me projections for those amounts please?

Thanks,

Erich Hiner

On Tue, Dec 20, 2011 at 4:37 PM, Jason Swift < <u>Swift.Jason@epamail.epa.gov</u>> wrote: Mr. Hiner,

I can provide the data to you in an excel spreadsheet and send it electronically. But, some data in the Watch List is not releasable.

is deliberative and therefore enforcement sensitive. We have determined

that the names of the facilities on each month's Watch List, their addresses and IDs, which is what you requested, are segregable components of the Watch List that could be publically released. I estimate that it will take me roughly 3 days to complete this work and our FOIA payment procedures direct me to charge \$7.00/15 minutes of work

((24 hours x 4) x \$7 = \$672). If you would like to amend your request to ask for fewer months that would be fine.

Our claim that the information is found in ECHO is based on the fact that we already identify the facilities determined to be significant noncompliers under RCRA, in significant noncompliance under the CWA-NDPES program or have an HPV under the CAA. This information is already available on ECHO. The Watch List facilities are a subset of these facilities.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692

From: Erich Hiner <erich.hiner@globalwaterintel.com>

To: Jason Swift/DC/USEPA/US@EPA

Date: 12/20/2011 05:20 PM

Subject: Re: Response to Freedom of Information Act Request for

the

EPA's Clean Water Act Watch List

Thank you for the response, but I am very confused. I asked for raw data

in an electronic format (as a .txt file or Excel spreadsheet). How does

this translate to any cost whatsoever for the agency? The EPA has been keeping this list electronically since 2004 - we asked for it in the form it's kept, meaning you should be able to forward us exported data.

Is there more to this that I do not understand?

I also did not ask for (and do not want) printed copies of the information. If this request is going to cost \$672, please provide me with a cost breakdown in an itemized list so we can see exactly what work will be required. This is an electronic request for information the

agency already keeps. We will accept and analyze raw data. If the information is available in a raw, comma-delimited form, that is what we

prefer. As a matter of fact, I believe that is what I specifically asked

for in my request. We do not want PDFs like the files that are displayed

on the website, and thus are not asking for a neat, formatted list. This

request should not burden your employees. If it will (for whatever reason), please tell us so we can work with the EPA to minimize burden on the agency.

We are also well aware of the Watch List segments that are available online. We would like to receive other portions of the list so we can provide our readers (many of whom include members of government agencies

that represent the public) with a historical perspective on the list as

an enforcement tool.

If the request still ends up costing more than a small amount, we will be happy to amend our request to ask for fewer months of the list.

I am also confused by the agency's repeated claim that this information

is available on ECHO. It is not. I cannot query the enforcement and compliance database and see if certain facilities are or have been on the Watch List. If there search parameters that can used to single out the facilities on the Watch List, we would be happy to collect the information ourselves. However, our analysis of the publicly available months has yielded almost no patterns in the data, and the agency public

information office has not been open with us about the exact parameters

for a facility's placement on this list. If such parameters exist and will produce a comprehensive listing of Watch List entries, please let us know and we will pursue that strategy.

Please respond and address my concerns.

Respectfully,

--

Erich Hiner Senior Reporter American Water Intelligence 512-795-4199 erich.hiner@globalwaterintel.com www.americanwaterintel.com

"Water Rights & Trading Summit: Southwest takes place on February 2nd and 3rd in Scottsdale, Arizona. Visit www.waterrightstrading.us for more information."

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Erich Hiner
Senior Reporter
American Water Intelligence
512-795-4199
erich.hiner@globalwaterintel.com
www.americanwaterintel.com

"Water Rights & Trading Summit: Southwest takes place on February 2nd and 3rd in Scottsdale, Arizona. Visit www.waterrightstrading.us for more information."

--

Erich Hiner
Senior Reporter
American Water Intelligence
512-795-4199
erich.hiner@globalwaterintel.com
www.americanwaterintel.com

"Water Rights & Trading Summit: Southwest takes place on **February 2nd and 3rd** in Scottsdale, Arizona. Visit www.waterrightstrading.us for more information."

From: Jason Swift/DC/USEPA/US
To: erich.hiner@globalwaterintel.com,
Cc: Jernell Battle/DC/USEPA/US@EPA

Date: 01/06/2012 03:15 PM

Subject: HQ-FOI-00361-12 - Response Documents

Mr. Hiner,

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 522 request, dated December 5, 2011 for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. The attached files contain the identification numbers, names, and addresses of the facilities on the Clean Water Act Watch Lists for the period requested. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

Beginning with September 2011, the lists of facilities that compose the Watch List each month are available on EPA's Enforcement and Compliance History Online (ECHO) website. The direct link to the Watch List page on ECHO is http://www.epa-echo.gov/echo/echo_watch_list.html.

The requested files will be sent in multiple emails due to the number of attachments.

(See attached file: CWA Watch List JAN 2006 Public.xlsx)(See attached file: CWA Watch List FEB 2006 Public.xlsx)(See attached file: CWA Watch List MAR 2006 Public.xlsx)(See attached file: CWA Watch List MAY 2006 Public.xlsx)(See attached file: CWA Watch List JUN 2006 Public.xlsx)(See attached file: CWA Watch List JUL 2006 Public.xlsx)(See attached file: CWA Watch List JUL 2006 Public.xlsx)(See attached file: CWA Watch List AUG 2006 Public.xlsx)(See attached file: CWA Watch List OCT 2006 Public.xlsx)(See attached file: CWA Watch List NOV 2006 Public.xlsx)(See attached file: CWA Watch List DEC 2006 Public.xlsx)

If you have any questions please feel free to contact me.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692
----- Forwarded by Jason Swift/DC/USEPA/US on 09/12/2014 01:39 PM -----

1 61 Marada by Gadon G Mily B G / G G E / 1 7 6 G G M G G / 12/2011 G M G G

From: Jason Swift/DC/USEPA/US
To: erich.hiner@globalwaterintel.com,
Cc: Jernell Battle/DC/USEPA/US@EPA

Date: 01/06/2012 03:20 PM

Subject: HQ-FOI-00361-12 - Response Documents

Mr Hiner,

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 522 request, dated December 5, 2011 for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. The attached files contain the identification numbers, names, and addresses of the facilities on the Clean Water Act Watch Lists for the period requested. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

Beginning with September 2011, the lists of facilities that compose the Watch List each month are available on EPA's Enforcement and Compliance History Online (ECHO) website. The direct link to the Watch List page on ECHO is http://www.epa-echo.gov/echo/echo_watch_list.html.

The requested files will be sent in multiple emails due to the number of attachments.

(See attached file: CWA Watch List JAN 2007 Public.xlsx)(See attached file: CWA Watch List FEB 2007 Public.xlsx)(See attached file: CWA Watch List MAR 2007 Public.xlsx)(See attached file: CWA Watch List MAY 2007 Public.xlsx)(See attached file: CWA Watch List JUN 2007 Public.xlsx)(See attached file: CWA Watch List JUL 2007 Public.xlsx)(See attached file: CWA Watch List JUL 2007 Public.xlsx)(See attached file: CWA Watch List AUG 2007 Public.xlsx)(See attached file: CWA Watch List SEP 2007 Public.xlsx)(See attached file: CWA Watch List OCT 2007 Public.xlsx)(See attached file: CWA Watch List DEC 2007 Public.xlsx)

If you have any questions please feel free to contact me.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692
----- Forwarded by Jason Swift/DC/USEPA/US on 09/12/2014 01:38 PM -----

From: Jason Swift/DC/USEPA/US
To: erich.hiner@globalwaterintel.com,
Cc: Jernell Battle/DC/USEPA/US@EPA

Date: 01/06/2012 03:24 PM

Subject: HQ-FOI-00361-12 - Response Documents - #3

(Email #3)

Mr. Hiner,

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 522 request, dated December 5, 2011 for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. The attached files contain the identification numbers, names, and addresses of the facilities on the Clean Water Act Watch Lists for the period requested. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

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The requested files will be sent in multiple emails due to the number of attachments.

(See attached file: CWA Watch List JAN 2008 Public.xlsx)(See attached file: CWA Watch List FEB 2008 Public.xlsx)(See attached file: CWA Watch List MAR 2008 Public.xlsx)(See attached file: CWA Watch List APR 2008 Public.xlsx)(See attached file: CWA Watch List MAY 2008 Public.xlsx)(See attached file: CWA Watch List JUN 2008 Public.xlsx)(See attached file: CWA Watch List JUL 2008 Public.xlsx)(See attached file: CWA Watch List AUG 2008 Public.xlsx)(See attached file: CWA Watch List SEP 2008 Public.xlsx)(See attached file: CWA Watch List OCT 2008 Public.xlsx)(See attached file: CWA Watch List NOV 2008 Public.xlsx)(See attached file: CWA Watch List DEC 2008 Public.xlsx)

If you have any questions please feel free to contact me.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692
----- Forwarded by Jason Swift/DC/USEPA/US on 09/12/2014 01:38 PM -----

From: Jason Swift/DC/USEPA/US
To: erich.hiner@globalwaterintel.com,
Cc: Jernell Battle/DC/USEPA/US@EPA

Date: 01/06/2012 03:27 PM

Subject: HQ-FOI-00361-12 - Response Documents - #4

(Email #4)

Mr. Hiner,

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 522 request, dated December 5, 2011 for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. The attached files contain the identification numbers, names, and addresses of the facilities on the Clean Water Act Watch Lists for the period requested. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

Beginning with September 2011, the lists of facilities that compose the Watch List each month are available on EPA's Enforcement and Compliance History Online (ECHO) website. The direct link to the Watch List page on ECHO is http://www.epa-echo.gov/echo/echo watch list.html.

The requested files will be sent in multiple emails due to the number of attachments.

(See attached file: CWA Watch List JAN 2009 Public.xlsx)(See attached file: CWA Watch List FEB 2009 Public.xlsx)(See attached file: CWA Watch List MAR 2009 Public.xlsx)(See attached file: CWA Watch List APR 2009 Public.xlsx)(See attached file: CWA Watch List MAY 2009 Public.xlsx)(See attached file: CWA Watch List JUN 2009 Public.xlsx)(See attached file: CWA Watch List JUL 2009 Public.xlsx)(See attached file: CWA Watch List AUG 2009 Public.xlsx)(See attached file: CWA Watch List SEP 2009 Public.xlsx)(See attached file: CWA Watch List NOV 2009 Public.xlsx)(See attached file: CWA Watch List DEC 2009 Public.xlsx)

If you have any questions please feel free to contact me.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692
----- Forwarded by Jason Swift/DC/USEPA/US on 09/12/2014 01:38 PM -----

,

From: Jason Swift/DC/USEPA/US
To: erich.hiner@globalwaterintel.com,
Cc: Jernell Battle/DC/USEPA/US@EPA

Date: 01/06/2012 03:32 PM

Subject: HQ-FOI-00361-12 - Response Documents - #5

(email #5)

Mr. Hiner.

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 522 request, dated December 5, 2011 for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. The attached files contain the identification numbers, names, and addresses of the facilities on the Clean Water Act Watch Lists for the period requested. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

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The requested files will be sent in multiple emails due to the number of attachments.

(See attached file: CWA Watch List JAN 2010 Public.xlsx)(See attached file: CWA Watch List FEB 2010 Public.xlsx)(See attached file: CWA Watch List MAR 2010 Public.xlsx)(See attached file: CWA Watch List APR 2010 Public.xlsx)(See attached file: CWA Watch List MAY 2010 Public.xlsx)(See attached file: CWA Watch List JUN 2010 Public.xlsx)(See attached file: CWA Watch List JUL 2010 Public.xlsx)(See attached file: CWA Watch List SEP 2010 Public.xlsx)(See attached file: CWA Watch List OCT 2010 Public.xlsx)(See attached file: CWA Watch List NOV 2010 Public.xlsx)(See attached file:

CWA Watch List DEC 2010 Public.xlsx)

If you have any questions please feel free to contact me.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692

---- Forwarded by Jason Swift/DC/USEPA/US on 09/12/2014 01:38 PM -----

From: Jason Swift/DC/USEPA/US
To: erich.hiner@globalwaterintel.com,
Cc: Jernell Battle/DC/USEPA/US@EPA

Date: 01/06/2012 03:36 PM

Subject: HQ-FOI-00361-12 - Response Documents - #6

(Email #6)

Mr. Hiner,

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 522 request, dated December 5, 2011 for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. The attached files contain the identification numbers, names, and addresses of the facilities on the Clean Water Act Watch Lists for the period requested. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

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If you have any questions please feel free to contact me.

202-564-6692

---- Forwarded by Jason Swift/DC/USEPA/US on 09/12/2014 01:38 PM -----

From: Jason Swift/DC/USEPA/US

To: Erich Hiner < erich.hiner@globalwaterintel.com>,

Date: 01/06/2012 04:33 PM

Subject: Re: HQ-FOI-00361-12 - Response Documents

Yes. No charge. Sorry that is included in the letter which was mailed today.

Jason Swift U.S. EPA Office of Enforcement and Compliance Assurance Integration, Targeting and Access Branch 202-564-6692

Erich Hiner ---01/06/2012 04:22:53 PM---Am I correct in assuming that there will be no charge for this as we discussed yesterday?

From: Erich Hiner < erich.hiner@globalwaterintel.com >

To: Jason Swift/DC/USEPA/US@EPA

Date: 01/06/2012 04:22 PM

Subject: Re: HQ-FOI-00361-12 - Response Documents

Am I correct in assuming that there will be no charge for this as we discussed yesterday?

On Fri, Jan 6, 2012 at 2:20 PM, Jason Swift < Swift. Jason@epamail.epa.gov> wrote:

(Email #2)

Mr Hiner,

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 522 request, dated December 5, 2011 for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. The attached files contain the identification numbers, names, and addresses of the facilities on the Clean Water Act Watch Lists for the period requested. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

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on ECHO is http://www.epa-echo.gov/echo/echo_watch_list.html.

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If you have any questions please feel free to contact me.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692

--

Erich Hiner
Senior Reporter
American Water Intelligence
512-795-4199
erich.hiner@globalwaterintel.com
www.americanwaterintel.com

"Water Rights & Trading Summit: Southwest takes place on **February 2nd and 3rd** in Scottsdale, Arizona. Visit <u>www.waterrightstrading.us</u> for more information."

From: Jason Swift/DC/USEPA/US
To: Matt Malachowski@abtassoc.com,

Date: 02/27/2012 12:25 PM

Subject: Fw: HQ-FOI-00361-12 - Response Documents - #6

So here are the monthly reports for 2011 that I sent to the American Water Intelligence. The folks who submitted a new FOIA for assistance gathering the SIC codes for each facility. I think they are running into the same issue that I am. The output comes back blank because of the space before the ID. I have these files for 2006 - 2011. Let me know if you think your recommendation would expedite this process.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692
----- Forwarded by Jason Swift/DC/USEPA/US on 02/27/2012 12:22 PM -----

From: Jason Swift/DC/USEPA/US
To: erich.hiner@globalwaterintel.com
Cc: Jernell Battle/DC/USEPA/US@EPA

Date: 01/06/2012 03:36 PM

Subject: HQ-FOI-00361-12 - Response Documents - #6

(Email #6)

Mr. Hiner,

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 522 request, dated December 5, 2011 for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. The attached files contain the identification numbers, names, and addresses of the facilities on the Clean Water Act Watch Lists for the period requested. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

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If you have any questions please feel free to contact me.

From: Jason Swift/DC/USEPA/US
To: erich.hiner@globalwaterintel.com,
Cc: Michael Barrette/DC/USEPA/US@EPA

Date: 02/27/2012 05:03 PM

Subject: Fw: HQ-FOI-00763-12 (Request Received 2/14/12)

Hi Erich,

I received your revised FOIA request that includes the request for SIC codes. I think the problem that you were running into trying to use ECHO to retrieve the SIC codes was caused by the extra space that is before the facility IDs in the Excel spreadsheets that I provided. The extra space is unavoidable, it is caused by the download. Our contractor created the attached file showing how to use textpad to delete the space, then paste the list of IDs in ECHO to get the SIC and NAICS codes. The volume is not the best quality but if you turn up your computer volume it does work. I know you were hoping to get the information as soon as possible. So, I thought this might get you the information sooner than I could. I have until March 15 to respond to your FOIA request. I will meet this deadline. But, if this option works please let me know.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692

---- Forwarded by Jason Swift/DC/USEPA/US on 02/27/2012 04:56 PM -----

From: Matt Malachowski < Matt_Malachowski@abtassoc.com>

To: Jason Swift/DC/USEPA/US@EPA

Date: 02/27/2012 01:29 PM

Subject: RE: HQ-FOI-00361-12 - Response Documents - #6

TextPad would be quite effective is helping them append information. I put together a quick video illustrating how to do this: http://www.epa-echo.gov/echo/docs/remove preceding space.wmv

(The audio isn't great - let us know if you would like us to recreate with higher quality audio).

----Original Message----

From: Jason Swift [mailto:Swift.Jason@epamail.epa.gov]

Sent: Monday, February 27, 2012 12:25 PM

To: Matt Malachowski

Subject: Fw: HQ-FOI-00361-12 - Response Documents - #6

So here are the monthly reports for 2011 that I sent to the American Water Intelligence. The folks who submitted a new FOIA for assistance gathering the SIC codes for each facility. I think they are running into the same issue that I am. The output comes back blank because of the space before the ID. I have these files for 2006 - 2011. Let me know if you think your recommendation would expedite this process.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692
---- Forwarded by Jason Swift/DC/USEPA/US on 02/27/2012 12:22 PM ----

From: Jason Swift/DC/USEPA/US

To: erich.hiner@globalwaterintel.com
Cc: Jernell Battle/DC/USEPA/US@EPA

Date: 01/06/2012 03:36 PM

Subject: HQ-FOI-00361-12 - Response Documents - #6

(Email #6)

Mr. Hiner,

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 522 request, dated December 5, 2011 for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. The attached files contain the identification numbers, names, and addresses of the facilities on the Clean Water Act Watch Lists for the period requested. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

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If you have any questions please feel free to contact me.

Jason Swift U.S. EPA Office of Enforcement and Compliance Assurance Integration, Targeting and Access Branch 202-564-6692

This message may contain privileged and confidential information intended

solely for the addressee. Please do not read, disseminate or copy it unless you are the intended recipient. If this message has been received in error, we kindly ask that you notify the sender immediately by return email and delete all copies of the message from your system. Thank you.

To: Erich Hiner <erich.hiner@globalwaterintel.com>,

Cc: Edward Cottrill/DC/USEPA/US@EPA, Michael Barrette/DC/USEPA/US@EPA

Date: 03/14/2012 04:19 PM

Subject: Re: HQ-FOI-00763-12 - Response Documents

Hi Erich,

We unfortunately can not dedicate any more resources to your request. I do apologize that the information was not provided to you in a highly useful format. But, all the information you requested has been provided. As I mentioned on the phone, you may appeal this decision by following the steps below. This information is included in the letter response you will receive.

Submit your appeal to the National Freedom of Information Officer, U.S. EPA, Records, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, email: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand-delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOI number listed above. If possible, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Thanks.

Jason Swift U.S. EPA Office of Enforcement and Compliance Assurance Integration, Targeting and Access Branch 202-564-6692

Erich Hiner ---03/14/2012 02:14:28 PM---Jason, Have you heard anything in regards to our conversation earlier today?

From: Erich Hiner < erich.hiner@globalwaterintel.com>
To: Jason Swift/DC/USEPA/US@EPA

Date: 03/14/2012 02:14 PM

Subject: Re: HQ-FOI-00763-12 - Response Documents

Jason,

Have you heard anything in regards to our conversation earlier today? Please let me know as soon as you do. Thank you.

-Erich Hiner

On Tue, Mar 13, 2012 at 2:15 PM, Jason Swift < Swift.Jason@epamail.epa.gov> wrote: Mr. Hiner,

You will receive a letter response via the US Postal Service referencing electronic delivery of these files. This is in response to your Freedom of Information Act (FOIA), 5 U.S.C. 552 request, dated February 13,2012, for an electronic copy of the Clean Water Act Watch Lists for the period 2006 to the current date. This request is for information previously provided except the Standard Industrial Classification codes for each facility on the CWA Watch List. The attached files contain the identification numbers, names, and addresses of the facilities on the December 2011, January 2012 and February 2012 Clean Water Act Watch Lists, which were not included in the previous response which was provided before these lists were available. In addition, the files contain the SIC codes for all active facilities on the January 2006 to February 2012 CWA Watch Lists. Certain information included in the Watch List that relates to enforcement is maintained as enforcement confidential. This information is not publically available and is not being provided to you.

The requested files will be sent in multiple emails due to the number of attachments.

If you have any questions, please feel free to contact me.

Jason Swift
U.S. EPA
Office of Enforcement and Compliance Assurance
Integration, Targeting and Access Branch
202-564-6692

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Erich Hiner
Senior Reporter
American Water Intelligence
512-795-4199
erich.hiner@globalwaterintel.com
www.americanwaterintel.com

What's going on at the Global Water Summit 2012: Brave New World?

From: Jason Swift/DC/USEPA/US To: mikerav@verizon.net, Date: 05/17/2012 09:49 AM

Subject: Response Documents - Freedom of Information Act Request HQ-FOI-01136-12

Mr. Ravnitzky,

We received your Freedom of Information Act (FOIA), 5 U.S.C. § 552, request on April 16, 2012, for an electronic copy of the Clean Air Act Watch List for each of the months January 2011 to August 2011. Please find attached the electronic copies of the documents requested. I have also attached a fact sheet on the Watch List for more information.

For more information on the Watch List, please visit our Enforcement and Compliance History Online (ECHO) website, http://www.epa-echo.gov/echo/echo_watch_list.html.

(See attached file: watch_list_fact_sheet posted.pdf)

(See attached file: Jan 2011 CAA Watch List.xlsx)(See attached file: Feb 2011 CAA Watch List.xlsx)(See attached file: Mar 2011 CAA Watch List.xlsx)(See attached file: Apr 2011 CAA Watch List.xlsx)(See attached file: Jun 2011 CAA Watch List.xlsx)(See attached file: Jun 2011 CAA Watch List.xlsx)(See attached file: Aug 2011 CAA Watch List.xlsx)

If you have any questions, please do not hesitate to contact me.